

## CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: May 4, 2009 Name: G. Peter Nichols Signature: /G. Peter Nichols/

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& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Shook et al.

Appln. No.: 10/561,597

Filed: May 15, 2006

For: Electrochemical Reduction of Metal Oxides

Attorney Docket No.: 9378/198

Examiner: Wilkins

Art Unit: 1795

Conf. No.: 9858

## TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

## Attached is/are:

Second Supplemental Information Disclosure Statement; PTO Form 1449 and cited references A13-A14.

## Fee calculation:

No additional fee is required.

Small Entity.

An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 CFR § 1.136(a).

A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 CFR § 1.17(\_\_\_\_\_.)

An additional filing fee has been calculated as shown below:

|   | Claims Remaining<br>After Amendment |       | Highest No.<br>Previously Paid For | Present<br>Extra | Small Entity |           | Not a Small Entity |          |           |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|--------------------|----------|-----------|
|   |                                     |       |                                    |                  | Rate         | Add'l Fee | OR                 | Rate     | Add'l Fee |
| Total                                     |                                     | Minus |                                    |                  | x \$26=      |           |                    | x \$52=  |           |
| Indep.                                    |                                     | Minus |                                    |                  | x 110=       |           |                    | x \$220= |           |
| First Presentation of Multiple Dep. Claim |                                     |       |                                    |                  | +\$195=      |           |                    | +\$390=  |           |
|   |                                     |       |                                    |                  | Total        | \$        | Total              | \$       |           |

## Fee payment:

Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_ for \_\_\_\_\_.  
 Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

May 4, 2009  
Date

/G. Peter Nichols/  
G. Peter Nichols, Reg. No. 34,401

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**SECOND SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98, and more particularly in accordance with 37 CFR §1.97(b), Applicants hereby cite the following reference(s):

| U.S. PATENT DOCUMENTS |          |                  |
|-----------------------|----------|------------------|
| DOCUMENT NO.          | DATE     | NAME             |
| 5,089,094             | 02/18/92 | Ogasawara et al. |
| 5,006,209             | 04/09/91 | Beck et al.      |
| 2008/0149495          | 06/26/08 | Mukunthan et al. |
| 2008/0047845          | 02/28/08 | Rigby et al.     |
| 2007/0251833          | 11/01/07 | Ratchev et al.   |
| 2007/0193877          | 08/23/07 | Rigby et al.     |
| 2007/0181438          | 08/09/07 | Olivares et al.  |
| 2007/0131560          | 06/14/07 | Ratchev et al.   |
| 2006/0191799          | 08/31/06 | Strezov          |
| 2006/0180462          | 08/17/06 | Strezov et al.   |
| 2005/0050989          | 03/10/05 | Osborn et al.    |
| 2004/0237711          | 12/02/04 | Ono et al.       |

| FOREIGN PATENT DOCUMENTS |          |         |
|--------------------------|----------|---------|
| DOCUMENT NO.             | DATE     | COUNTRY |
| WO03/002785              | 01/09/03 | PCT     |

**OTHER ART – NON PATENT LITERATURE DOCUMENTS**

English Translation of Russian Office Action dated January 19, 2009 relating to Russian Appln. No. 2006137273/02 (040574) filed 22.03.2005 based upon PCT/AU2005/000409 corresponding to U.S. Appln. No. 11,522/761 filed 09/18/2006

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 CFR §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

The Applicants have calculated no fee to be due in connection with the filing of this Information Disclosure Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Information Disclosure Statement to a deposit account, as authorized in the Transmittal accompanying this Information Disclosure Statement.

Respectfully submitted,

May 4, 2009  
Date

/G. Peter Nichols/  
G. Peter Nichols, Reg. No. 34,401